

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MARY M. BOILY, an individual; and
VALMORE P. BOILY, her husband,
per quod,

Plaintiffs,

v.

WALT DISNEY WORLD COMPANY,
a business entity; POP CENTURY
RESORT, a business entity; ABC
COMPANIES (I-X), fictitiously named
business entities; JOHN DOES (I-X),
fictitiously named individuals;

Defendants.

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:
: Honorable Madeline Cox Arleo
: Civil Action No. 08-4967 (SDW)
:
:

REPORT AND RECOMMENDATION

THIS MATTER having come before the Court upon the motion of defendant, Walt Disney World Company (“Walt Disney World”) to dismiss the complaint for lack of personal jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(2) or, in the alternative, to transfer the case to the United States District Court for the Middle District of Florida, pursuant to 28 U.S.C. § 1406(a), (Docket Entry No. 4); and upon the cross-motion of Walt Disney World for sanctions, pursuant to Fed. R. Civ. P. 11; and upon the cross-motion of plaintiffs, Mary Boily and her husband, Valmore Boily (“plaintiffs”) for sanctions, pursuant to Fed. R. Civ. P. 11, (Docket Entry No. 6); and the Court having considered the papers submitted in support of and in opposition to the motion and cross-motions and having heard the argument of the parties, and for the reasons set forth on the record on March 20, 2009, and in the accompanying opinion, and for good cause shown;

IT IS on this 20th day of March 2009,

RECOMMENDED THAT defendant Walt Disney World's motion to dismiss the complaint for lack of personal jurisdiction be **DENIED**; and it is further

RECOMMENDED THAT defendant Walt Disney World's motion, in the alternative, to transfer this case, pursuant to 28 U.S.C. § 1406(a), to the United States District Court for the Middle District of Florida be **GRANTED**; and it is further

RECOMMENDED THAT the cross-motions for sanctions filed on behalf defendant Walt Disney World and plaintiffs, respectively, pursuant to Fed. R. Civ. P. 11, be **DENIED**.

The parties have ten (10) days from the date hereof to file objections.

s/Madeline Cox Arleo

MADELINE COX ARLEO
United States Magistrate Judge

cc: Hon. Susan D. Wigenton, U.S.D.J.
Clerk of the Court
All Parties
File